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OFFICE OF PETITIONS

In re Application of :
Youngjun Jeff Hu : DECISION ON PETITION TO
Application No. 10/609,282 : WITHDRAW HOLDING OF
Filed: 26 June, 2003 : ABANDONMENT
Attorney Docket No. MI22-2266 :

This is a decision on the petition to withdraw the holding of abandonment in the above-identified application, filed on 24 January, 2006.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the non-final Office action mailed on 30 June, 2005. Notice of Abandonment was mailed on 19 January, 2006.

Petitioner asserts that a response to the Office action was timely filed on 3 August, 2005. In support, petitioner has supplied a copy of the reply, which included an amendment in response to the non-final Office action. The amendment was accompanied by a Certificate of Facsimile Transmission Under 37 CFR 1.8 dated 3 August, 2005, signed by Jennifer Gaines, counsel's Legal Assistant. The Certificate itemizing the filing of the response to the Office action of 30 June, 2005.

Petitioner has also supplied a copy of the USPTO's Auto-Reply Facsimile Transmission showing eight (8) pages, including the first page of the reply, were received at the USPTO on 3 August, 2005. A copy of the sending unit's transmission report was also included.

Any petition to withdraw the holding of abandonment based on a Certificate of Transmission by facsimile must include the following requirements:

- (1) A copy of the original response bearing a signed Certificate of Transmission which includes the date of signing; and
- (2) A statement under 37 CFR 1.8(b) (3) attesting on personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission (see 37 CFR 1.8 and MPEP 512).

As petitioner has provided convincing evidence that a reply to the Notice to File Missing Parts was transmitted to the USPTO on 3 August, 2005, the showing of record is that a response was timely filed, and there is no abandonment in fact.

The application is being referred to Technology Center Art Unit 2812 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



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Office of Petitions